

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

Index No.:

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SALVADOR BOLIVAR MADERA,

Plaintiff Designates

NEW YORK

County as the place of trial

Plaintiff,

-against-

The basis of venue is the Defendant

**PRINCIPAL PLACE OF
BUSINESS**

**ARCHDIOCESE OF NEW YORK, CARDINAL
HAYES HIGH SCHOOL, AND CATHOLIC
HIGH SCHOOL ASSOCIATION OF NEW YORK,**

SUMMONS

Defendants.

Plaintiff reside at

-----X
County of New York

To the abovenamed Defendants

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, and the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

New York, New York

Dated: August 14, 2019

Patrick Noaker
NOAKER LAW FIRM LLC
1600 Utica Avenue S., 9th Floor
St. Louis Park, MN 55416
Telephone: (952) 491-6798
patrick@noakerlaw.com

and

Stephan H. Peskin
TOLMAGE, PESKIN, HARRIS & FALICK
20 Vesey Street, 7th Floor
New York, NY 10007
Telephone: (212) 964-1390
peskin@tolmagepeskinlaw.com

and

Leander L. James, IV
Craig Vernon
JAMES, VERNON & WEEKS P.A.
1626 Lincoln Way
Coeur d'Alene, ID 83815
Telephone: (208) 667-0683
ljames@jvwlaw.net
cvernon@jvwlaw.net

Defendants' Addresses:

Archdiocese of New York
1101 First Ave.
New York, NY 10022

Cardinal Hayes High School
650 Grand Concourse
The Bronx, NY 10451

Catholic High School Association of New York
650 Grand Concourse
Bronx, NY 10451

**SUPREME COURT STATE OF NEW YORK
COUNTY OF NEW YORK**

-----x **Index No.:**
SALVADOR BOLIVAR MADERA,

Plaintiff,

VERIFIED COMPLAINT

-against-

**ARCHDIOCESE OF NEW YORK, CARDINAL HAYES
HIGH SCHOOL AND CATHOLIC HIGH SCHOOL
ASSOCIATION OF NEW YORK,**

Defendants.

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Plaintiff, Salvador Bolivar Madera, by and through undersigned counsel, complaining
of the Defendants, upon information and belief, alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. This Complaint arises from the sexual battery of Plaintiff Salvador Madera by Br. John Justin O'Connor on or about 1986. This incident occurred while Plaintiff was a student at Cardinal Hayes High School.

2. Plaintiff Salvador Bolivar Madera is an adult resident of the State of New York and is otherwise *sui juris*.

3. Defendant Archdiocese of New York is a Roman Catholic Diocese and is an unincorporated non-profit business entity licensed to and doing business in the State of New York with a principal place of business at 1101 First Ave., New York, NY 10022.

4. Defendant Cardinal Hayes High School is a Roman Catholic Archdiocesan secondary school within the Archdiocese of New York and a non-profit business entity with a principal place of business at 650 Grand Concourse, The Bronx, NY 10451.

5. Defendant Catholic High School Association of New York is an unincorporated

non-profit business entity licensed to and doing business in the State of New York and had/has its principal place of business at 1101 First Avenue, New York, NY 10022. Defendant was the deeded owner of the real property located at 650 Grand Concourse, Bronx, NY 10451, at the time of the sexual abuse described herein.

6. Venue is proper in this Court because the Defendant Archdiocese has its principal place of business in New York County.

7. The provisions of Section 1602 of the CPLR do not apply to the within action including nondelegable duty and/or the doctrine of respondeat superior.

8. Plaintiff brings this suit within the extended time period as provided for in Sections 208 and 214-G of the Civil Practice Law.

9. Jurisdiction is proper because this Complaint seeks monetary damages in excess of \$25,000.00, exclusive of interest, costs, and attorney's fees.

10. At all times material, Br. John Justin O'Connor was an ordained Roman Catholic priest employed by and an agent of Defendants Archdiocese of New York, Cardinal Hayes High School and Catholic High School Association of New York from on or about 1985 to 1987.

11. From on or about 1980 to 1982, Br. John Justin O'Connor taught at Notre Dame-Bishop Gibbons High School, Schenectady, New York in the Diocese of Albany.

12. Upon information and belief, from on or about 1985 to 1987, Br. John Justin O'Connor worked as Dean at Cardinal Hayes High School, Bronx, New York in the Archdiocese of New York.

13. Upon information and belief, from 1987 to 1991, Br. John Justin O'Connor worked at Bergen Catholic High School, Oradell, New Jersey in the Archdiocese of Newark.

14. Upon information and belief, from at least 1998 to on or about 2002, Br. John Justin

O'Connor worked as President of Iona Preparatory School, New Rochelle, New York in the Archdiocese of New York.

15. Upon information and belief, Br. John Justin O'Connor was a Member of the Board of Trustees of Iona College, New Rochelle, New York in the Archdiocese of New York.

16. Upon information and belief, Br. John Justin O'Connor worked as President of Power Memorial Academy, New York City, New York in the Archdiocese of New York.

17. In 2012, two (2) men publicly accused Br. John Justin O'Connor of sexually abusing them at Cardinal Hayes High School in the mid-1980s while they were minor students.

18. In 2017, the Edmund Rice Christian Brothers North America Province listed Br. O'Connor as a "Former Brother" who was identified in at least (2) sexual abuse claims.

19. At all times relevant, Defendant Archdiocese of New York was the legal owner and/or tenant/occupier of the school located at 650 Grand Concourse, Bronx, NY 10451.

20. At all times relevant, Defendant Cardinal Hayes High School was the legal owner and/or tenant/occupier of the school located at 650 Grand Concourse, Bronx, NY 10451.

21. At all times relevant, Defendant Catholic High School Association of New York was the legal owner and/or tenant/occupier of the school located at 650 Grand Concourse, Bronx, NY 10451.

22. By holding Br. John Justin O'Connor out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendants entered into a special relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants' undertaking the care and guidance of the then vulnerable Plaintiff, Plaintiff was uniquely vulnerable, without his parents and incapable of self-protection.

23. Furthermore, Defendants, by holding themselves out as being able to provide a safe

environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the Plaintiff from effectively protecting himself, and Defendants thus entered into a special relationship with Plaintiff. By holding themselves out as a safe, moral, and trusted institution to Plaintiff's parents, Defendants induced Plaintiff's parents to entrust their child to Defendants and thereby deprived Plaintiff of the protection of his family.

24. At all times material, Br. John Justin O'Connor's sexual abuse of Plaintiff was foreseeable. The problem of clergy sexual abuse of minors is well-documented throughout the history of the Roman Catholic Church. As far back as 1051, St. Peter Damian wrote in the *Book of Gomorrah* that clergy who defiled boys should be dismissed from holy orders. (*Book of Gomorrah*, Ch. 6). Later St. Peter Damian wrote in his *Rule of the Monastery of Compludo*, about the punishment for "A cleric or monk who seduces youths or young boys" being public flogging, loss of tonsure and six months in jail, among other punishment. In 1143 or 1144, a professor at the University of Bologna named Gratian, known as the "Father of the Science of Canon Law," identified in his work the *Decretum*, the sexual sin by a priest that he called *stuprum pueri*, which is the sexual use of boys by an adult male.

25. In 1961, the Vatican issued an instruction on the training of candidates for the priesthood, which was based upon the 1917 Code of Canon Law which stated:

Advancement to religious vows and ordination should be barred to those who are afflicted with evil tendencies to homosexuality or pederasty, since for them the common life and priestly ministry would constitute serious dangers.

26. This knowledge that Catholic clergy were sexually abusing minors continued through the middle ages and into recent history. In 1962, Pope John XXIII approved the publication *De Modo Procedendi in Causis Solicitationis*, a special procedural law for solicitation

of sex in the confessional. This document contained prohibitions prohibiting clergy from having sex with minors under the age of sixteen. This document was distributed to every bishop and major religious superior in the world and was to be kept by them with the deepest secrecy. In addition, this document reflected the Catholic Church's insistence on maintaining the highest degree of secrecy regarding the worst sexual crimes perpetrated by clergy.

27. In 1947, a priest named Fr. Gerald Fitzgerald founded a religious order of priests called the Servants of the Paracletes. This religious order was founded in order to assist and treat Catholic clergy who experienced mental health problems. By 1952, Fr. Fitzgerald wrote that he had already treated a handful of priests who had sexually abused minors. By 1963, the Paracletes were treating so many sexually abusive clergy that they developed a shorthand code, "code 3," to describe the offense. By 1966, the Paracletes began specializing in treatment of pedophile Catholic clergy.

28. As early as 1971, the issue of sexual misconduct by clergy was being discussed in the Commonwealth of Massachusetts. Bishop Bernard Flanagan, Bishop of Worcester (Massachusetts) testified that as early as February 1971, there had been discussions about sexual misconduct among priests. According to Bishop Flanagan, "I think by 1971 I had heard of other cases of this type [sic] sexual misconduct and I knew that they were taking place in other dioceses too."

29. That same year, Dr. Conrad Baars and Dr. Anna Terruwe presented a scholarly paper titled The Role of the Church in the Causation, Treatment and Prevention of the Crisis in the Priesthood" to the 1971 Synod of Bishops at the Vatican and to the U.S. Conference of Catholic Bishops about psychiatric problems in Catholic clergy and how psychosexual immaturity manifested itself in heterosexual and homosexual activity.

30. In 1990, psychologist and priest, A.W. Richard Sipe, published a study involving 1,500 priests that concluded that six (6) percent of priests were sexually involved with minors.

31. In 1985, the public prosecution of a priest in Lafayette, Louisiana led to the creation of the 100-page document titled "*The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Manner*" by Fr. Thomas Doyle, F. Ray Mouton and Fr./Dr. Michael Peterson. This document was distributed to every Catholic Bishop and religious order ordinary in the United States. A significant portion of this document describes how significant that the sexual abuse of children by Catholic clergy had become.

32. Defendants allowed Br. John Justin O'Connor to have unsupervised and unlimited access to minor children, at Cardinal Hayes High School in Bronx, New York, located at the time within the Archdiocese of New York.

33. At all times material, Br. John Justin O'Connor was employed by Defendants Archdiocese of New York, Cardinal Hayes High School and Catholic High School Association of New York.

34. At all times material, Br. John Justin O'Connor remained under the direct supervision, employ, and control of the Defendants Archdiocese of New York, Cardinal Hayes High School and Catholic High School Association of New York.

35. Upon information and belief, before Plaintiff was sexually abused by Br. John Justin O'Connor, Defendants had actual or constructive knowledge of material facts regarding Br. John Justin O'Connor's sexual misconduct, impulses, and behavior. Specifically, Br. John Justin O'Connor inappropriately touched minor students by grabbing students' belts and touching the genitals of students while in the hallway in front of his office in full view of other teachers and students at Cardinal Hayes High School. These actions by Br. John Justin O'Connor occurred

during the time between classes when students and teachers were in the hallway.

36. Despite clear indications of danger, Defendants took no steps to discover the specific nature of Br. John Justin O'Connor's problems or to determine whether he was fit to work with children or to protect children from him, thereby increasing the likelihood that Plaintiff would be harmed.

37. Plaintiff was raised in a devout Roman Catholic family, regularly celebrated mass, received the sacraments, and participated in church-related activities. Plaintiff, therefore, developed great admiration, trust, reverence, and respect for the Roman Catholic Church and its agents, the Archdiocese of New York and its agents, including the Archbishop and Br. John Justin O'Connor.

38. Defendants held Br. John Justin O'Connor out as a qualified Roman Catholic priest, and undertook the education, religious instruction, and spiritual and emotional guidance of Plaintiff. The Archbishop exercised a direct role over Plaintiff. Accordingly, Plaintiff placed trust in Defendants so that Defendants and their agents gained superiority and influence over Plaintiff. Defendants entered into a special relationship with the Plaintiff and his family.

39. Defendants owed Plaintiff a duty of reasonable care because it assumed duties owed to Plaintiff and had superior knowledge about the risk that Br. John Justin O'Connor posed to Plaintiff, the risk of abuse in general in its programs, and/or the risks that their facilities posed to minor children. Defendants had the duty to protect the moral purity of Plaintiff and other Roman Catholic children within the Archdiocese of New York.

40. Defendants owed Plaintiff a duty of reasonable care because they assumed that duty and because they solicited youth and parents for participation in its youth programs.

41. Defendants owed Plaintiff a duty of reasonable care because they undertook

custody of minor children, including Plaintiff.

42. Defendants owed Plaintiff a duty of reasonable care because they promoted its facilities and programs as being safe for children.

43. Defendants owed Plaintiff a duty of reasonable care because they held out its agents including Br. John Justin O'Connor as safe to work with children.

44. Defendants owed Plaintiff a duty of reasonable care because they encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Br. John Justin O'Connor, to spend time with, interact with, and recruit children.

45. Defendants had a duty to Plaintiff to protect him from harm because Defendants' actions created a foreseeable risk of harm to Plaintiff.

46. Defendants breached their duties by exposing Plaintiff to a known pedophile.

47. Defendants breached their duties by exposing Plaintiff to a priest Defendants knew or should have known was a pedophile.

48. Defendants breached their duties by recruiting, hiring, and maintaining Br. John Justin O'Connor in a position of authority over children.

49. Defendants breached their duties by exposing Br. John Justin O'Connor to children.

50. Defendants breached their duties by leaving Br. John Justin O'Connor alone with children unsupervised.

51. Defendants breached their duties by inducing Plaintiff and his parents to entrust Plaintiff to Br. John Justin O'Connor.

52. Defendants breached their duties by failing to follow policies and procedures designed to prevent child sex abuse and/or failing to implement sufficient policies and procedures to prevent child sex abuse.

53. Defendants breached their duties by failing to take reasonable measures to make sure that policies and procedures to prevent child sex abuse were working.

54. Defendants breached their duties by failing to adequately inform families and children of the known risks of child sex abuse within the Archdiocese of New York.

55. Defendants breached their duties by holding out their employees and agents, including Br. John Justin O'Connor, as safe and wholesome for children to be with.

56. Defendants breached their duties by failing to investigate risks of child molestation.

57. Defendants breached their duties by failing to properly train the workers at institutions and programs within Defendants' geographical confines.

58. Defendants breached their duties by failing to have any outside agency test their safety procedures.

59. Defendants breached their duties by failing to protect the children in their programs from child sex abuse; failing to adhere to the applicable standard of care for child safety.

60. Defendants breached their duties by failing to investigate the amount and type of information necessary to represent the institutions, programs, and leaders and people as safe.

61. Defendants breached their duties by failing to respond to and/or investigate information of improper conduct of employee or agent with children, including Br. John Justin O'Connor.

62. Defendants breached their duties by failing to properly train their employees to identify signs of child molestation by fellow employees.

63. Defendants breached their duty to use ordinary care in determining whether their facilities were safe and/or to determine whether they had sufficient information to represent their facilities as safe.

64. Defendants breached their duty of care by recruiting, hiring, and maintaining Br. John Justin O'Connor at their facilities.

65. Defendants breached their duty of care by maintaining a dangerous condition on the premises of their facilities (i.e., a priest Defendants knew or should have known posed a risk of pedophilic harm to children).

66. Defendants breached their duty of care by holding out their facilities as a safe and moral place for children, which they were not.

67. Defendants breached their duty of care by failing to have sufficient policies and procedures to prevent abuse at their facilities.

68. Defendants breached their duty of care by failing to investigate risks at their facilities.

69. Defendants breached their duty of care by failing to properly train the workers at their facilities.

70. Defendants breached their duty of care by failing to investigate the amount and type of information necessary to represent their facilities as safe.

71. Defendants breached their duty of care by and failing to train their employees properly to identify signs of child molestation by fellow employees.

72. Defendants breached their duties to Plaintiff by holding out clergy members, including Br. John Justin O'Connor, as safe, moral, and trustworthy people and by failing to warn Plaintiff and his family of the risk that Br. John Justin O'Connor posed and the known risks of child sexual abuse by clerics in general.

73. Defendants also failed to warn Plaintiff about any of the knowledge that the Defendants had about child sex abuse perpetrated by clergy or Br. John Justin O'Connor.

74. Defendants breached their duties to Plaintiff by failing to report Br. John Justin O'Connor's abuse of children to the police and law enforcement.

75. Defendants further breached their duties by hiding a pedophile and engaging in a cover-up of abuse perpetrated by Br. John Justin O'Connor.

76. Defendants knew or should have known that some of the leaders and people working at Catholic institutions within the Archdiocese of New York were not safe for children.

77. Defendants knew or should have known that they did not have sufficient information about whether or not their leaders and people working at Catholic institutions within the Archdiocese of New York were safe around children.

78. Defendants knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within the Archdiocese of New York.

79. Defendants knew or should have known that they did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in Catholic programs and activities within the Archdiocese of New York.

80. Defendants knew or should have known that they had other agents who had sexually molested children. Defendants knew or should have known that child molesters have a high rate of recidivism. Defendants knew or should have known that there was a specific danger of child sex abuse for children participating in Defendants' youth programs.

81. Defendants held their leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents, soliciting youth and families to their programs, schools, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe for children/youth.

82. Defendants made negligent representations to Plaintiff and his family during each and every year of his minority. Plaintiff and/or his family relied upon these representations, which resulted in Plaintiff being put in a vulnerable situation with Br. John Justin O'Connor who harmed him.

83. In approximately 1986, when Plaintiff was approximately 15 to 16 years old, Plaintiff was a student at Cardinal Hayes High School. At about this same time, Br. John Justin O'Connor sexually abused Plaintiff.

84. Br. John Justin O'Connor engaged in unpermitted, harmful, and offensive sexual contact with the Plaintiff on the physical premises of and around Cardinal Hayes High School. Br. John Justin O'Connor sexually assaulted Plaintiff when Plaintiff was a minor and without Plaintiff's consent.

85. Defendants allowed Br. John Justin O'Connor to have unsupervised and unlimited access to young children at Cardinal Hayes High School located at the time within the Archdiocese of New York.

86. At all times material, Br. John Justin O'Connor was employed by, or an agent of, Defendants Archdiocese of New York, Cardinal Hayes High School and Catholic High School Association of New York.

87. At all times material, Br. John Justin O'Connor was on duty as a priest 24 hours per day, 7 days per week.

88. At all times material, Br. John Justin O'Connor remained under the direct supervision, employ, and control of the Defendants Archdiocese of New York, Cardinal Hayes High School and Catholic High School Association of New York.

89. At all times material, Defendants had the right to control the means and manner of

Br. John Justin O'Connor's performance.

90. At all times material, Defendants paid Br. John Justin O'Connor's salary.

91. At all times material, Defendants paid for Br. John Justin O'Connor's health insurance and other benefits.

92. At all times material, Defendants furnished an office and other materials, supplies, and tools required for Br. John Justin O'Connor to perform in his position as a priest.

93. At all times material, Defendants controlled the premises where Br. John Justin O'Connor performed as a priest.

94. At all times material, Defendants had the power to terminate the employment of Br. John Justin O'Connor.

95. Upon information and belief, before Plaintiff was sexually abused by Br. John Justin O'Connor, Defendants had actual or constructive knowledge of material facts regarding Br. John Justin O'Connor's sexual misconduct, impulses, and behavior, but failed to act on that knowledge and exposed Plaintiff as a child to Br. John Justin O'Connor, thereby increasing the likelihood that Plaintiff would be harmed.

96. As a direct result of Defendants' negligence, breached duties, the sexual abuse, sexual exploitation, and Defendants' conduct, Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation and psychological injuries, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling all to this Plaintiff's damage in excess of the jurisdiction of all lower courts.

**AS FOR A SECOND CAUSE OF ACTION FOR RESPONDEAT
SUPERIOR/VICARIOUS LIABILITY AGAINST THE DEFENDANTS
ARCHDIOCESE OF NEW YORK, CARDINAL HAYES HIGH SCHOOL, AND
CATHOLIC HIGH SCHOOL ASSOCIATION OF NEW YORK**

97. Plaintiff realleges, incorporates and restates all previous paragraphs as if set forth fully herein.

98. Among other duties, Defendants employed Br. John Justin O'Connor to operate programs, including youth, altar boy and spiritual counseling programs at Cardinal Hayes High School.

99. Defendants created a master-servant relationship with Br. John Justin O'Connor, employing him to interact and supervise children participating in programs at Cardinal Hayes High School.

100. The unwanted contact by Br. John Justin O'Connor upon Plaintiff occurred during his regular working hours and at the place of his employment with Defendants while performing duties of a priest on behalf of his employers.

101. The sexual contact by Br. John Justin O'Connor occurred in the course and scope of his employment with Defendants.

102. The sexual contact by Br. John Justin O'Connor was generally foreseeable to Defendants.

103. The sexual contact by Br. John Justin O'Connor was closely connected to what he was employed to do as a priest with Defendants, and/or was otherwise naturally incidental to his job duties.

104. Br. John Justin O'Connor's conduct was motivated, at least in part, by a desire to serve his employer's business interests or otherwise meet the objectives of his employment, however misguided.

105. Alternatively, Br. John Justin O'Connor's conduct constituted an authorized, minor deviation from his employment that was authorized and/or ratified by Defendants.

106. As a direct and proximate result of Br. John Justin O'Connor's conduct, Plaintiff has suffered damages for which his employer is now liable.

**AS FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION AND SUPERVISION AGAINST THE ARCHDIOCESE OF NEW YORK,
CARDINAL HAYES HIGH SCHOOL AND CATHOLIC HIGH SCHOOL
ASSOCIATION OF NEW YORK**

107. Plaintiff realleges, incorporates and restates all previous paragraphs as if set forth fully herein.

108. At all material times, Defendants Archdiocese of New York, Cardinal Hayes High School and Catholic High School Association of New York, by and through their agents, managers, employees, and directors owed a duty to Plaintiff to use reasonable care to protect his safety, care, well-being and health while he was under the care, custody or in the presence of the Defendants. These duties encompassed the use of reasonable care in the hiring, retention and supervision of Br. John Justin O'Connor and otherwise providing a safe environment for children.

109. Prior to the sexual misconduct perpetrated by Br. John Justin O'Connor upon Plaintiff, Defendants Archdiocese of New York, Cardinal Hayes High School, and Catholic High School Association of New York, knew, or in the exercise of reasonable care, should have known, of the general problem of Catholic clergy engaging in sexual misconduct with children who were in Archdiocese of New York, Cardinal Hayes High School, and Catholic High School Association of New York programs.

110. Prior to the sexual misconduct perpetrated by Br. John Justin O'Connor upon Plaintiff, Defendants Archdiocese of New York, Cardinal Hayes High School and Catholic High

School Association of New York, knew, or in the exercise of reasonable care, should have known, that Br. John Justin O'Connor was unfit for the duties assigned to him, that he did not exhibit appropriate behavior with children, and otherwise posed a risk of perpetrating unwanted sexual contact upon children.

111. Given actual or constructive knowledge of Br. John Justin O'Connor's dangerous propensities specifically, the Defendants had a duty to act reasonably in all decisions relating to his hiring, supervision, and retention as an employee.

112. Defendants failed to exercise reasonable care in one or more of their decisions to hire, supervise, and retain Br. John Justin O'Connor and therefore exposed Plaintiff to an unreasonable risk of harm.

113. Defendants Archdiocese of New York, Cardinal Hayes High School and Catholic High School Association of New York, affirmed and ratified Br. John Justin O'Connor's misconduct with Plaintiff. Given the actual and constructive knowledge of the likelihood that Br. John Justin O'Connor and/or other clergy would engage children in unwanted sexual contact, the unwanted sexual contact of Plaintiff was reasonably foreseeable to Defendants Archdiocese of New York, Cardinal Hayes High School and Catholic High School Association of New York.

114. Defendants Archdiocese of New York, Cardinal Hayes High School and Catholic High School Association of New York and their agents had superior knowledge of the likelihood that Br. John Justin O'Connor would engage in unwanted sexual contact with clients that he encountered in his position as a priest and had a duty to take precautions to lessen the risk that Plaintiff would be the victim of unwanted sexual contact.

115. At all relevant times, Defendants Archdiocese of New York, Cardinal Hayes High School and Catholic High School Association of New York's acts and omissions created an environment which fostered unwanted sexual contact and exploitation against the people it had a duty to protect, including Plaintiff.

116. At all relevant times, Defendants had inadequate policies and procedures to protect children entrusted to their care and protection, including Plaintiff, which substantially contributed to the creation of a dangerous environment.

117. As a direct and proximate result of the negligence of Defendants, Plaintiff suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life, and has incurred and/or will incur costs for treatment and will continue to do so in the future. These injuries are permanent and ongoing in nature.

**AS FOR A FOURTH CAUSE OF ACTION NEGLIGENCE/PREMISES
LIABILITY AGAINST ARCHDIOCESE OF NEW YORK, CARDINAL HAYES HIGH
SCHOOL AND CATHOLIC HIGH SCHOOL ASSOCIATION OF NEW YORK**

118. Plaintiff realleges, incorporates and restates all previous paragraphs as if set forth fully herein.

119. Plaintiff was a business invitee of Defendants when Br. John Justin O'Connor engaged him in unwanted sexual contact.

120. Defendants owed Plaintiff a duty to protect him from dangerous conditions on their premises that they knew about, or in the exercise of reasonable care could have discovered.

121. Defendants owed Plaintiff a duty to provide a reasonably safe environment where he would be free from the threat of unwanted sexual contact while on Defendants' premises.

122. Defendants owed Plaintiff a duty to take reasonable precautions to ensure his safety while on the premises of Defendants.

123. Prior to the sexual misconduct perpetrated by Br. John Justin O'Connor upon Plaintiff, Defendants knew, or in the exercise of reasonable care, should have known, of the general problem of priests and other clergy engaging in sexual misconduct with children.

124. Prior to the sexual misconduct perpetrated by Br. John Justin O'Connor upon Plaintiff, Defendants knew, or in the exercise of reasonable care, should have known, that Br. John Justin O'Connor was unfit for the intimate duties assigned to him, that he did not exhibit appropriate behavior with children, and otherwise posed a risk of perpetrating unwanted sexual contact upon children.

125. Defendants breached the duty owed to Plaintiff by failing to make the premises reasonably safe for Plaintiff despite what they knew or should have known about the existence of a potential threat of harm to Plaintiff on their premises.

126. Defendants breached the duty they owed to Plaintiff by failing to warn Plaintiff of the dangers and risks involved in participating in programs at Cardinal Hayes High School given their superior knowledge of the potential risk of harm to Plaintiff.

127. At all relevant times, Defendants had inadequate policies and procedures to protect children entrusted to their care and protection, including Plaintiff, which substantially contributed to the creation of a dangerous environment.

128. As a direct and proximate result of the negligence of Defendants, Plaintiff suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life, and has incurred and/or will incur costs for treatment and will continue to do so in the future. These injuries are permanent and ongoing in nature.

WHEREFORE, Plaintiff demands judgment against the Defendants for a sum in excess of the jurisdictional limits of all lower courts on each and every Cause of Action stated above, together with the costs and disbursements and other expenses necessary in this action.

New York, New York

Dated: August 14, 2019

Yours, etc.,



Patrick Noaker
NOAKER LAW FIRM LLC
1600 Utica Avenue S., 9th Floor
St. Louis Park, MN 55416
Telephone: (952) 491-6798
patrick@noakerlaw.com

and

Stephan H. Peskin
TOLMAGE, PESKIN, HARRIS & FALICK
20 Vesey Street, 7th Floor
New York, NY 10007
Telephone: (212) 964-1390
peskin@tolmagepeskinlaw.com

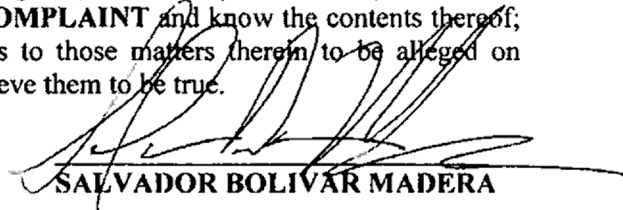
and

Leander L. James IV
Craig Vernon
JAMES, VERNON & WEEKS P.A.
1626 Lincoln Way
Coeur d'Alene, ID 83815
Telephone: (208) 667-0683
ljames@jvwlaw.net
cvernon@jvwlaw.net


VERIFICATION

STATE OF PA)
)ss
COUNTY OF Bucks)

SALVADOR BOLIVAR MADERA being duly sworn, deposes and says: I am the Plaintiff in this action, I have read the foregoing **COMPLAINT** and know the contents thereof; the same is true to my own knowledge, except as to those matters therein to be alleged on information and belief, and as to those matters I believe them to be true.


SALVADOR BOLIVAR MADERA

Sworn to and sworn before me this
6 day of August, 2019



Notary Public

